

Atty Docket No.: 200313976-1
Application No.: 10/821,746

Remarks

This communication is responsive to the Office Action of October 2, 2008. Reexamination and reconsideration of claims 1-30 is respectfully requested.

Summary of The Office Action

In view of the appeal brief filed on 2/26/2008, prosecution was reopened.

Claims 10-30 were allowed.

Claims 1-9 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

101 Rejection

Claims 1-9 were rejected as purportedly being non-statutory due to the language in paragraph [0016] of the specification. In particular, the office action states that the claimed logic can be embodied as software and that software per se is regarded as non-statutory (office action, page 3, lines 1-3).

Paragraph [0016] is now amended to read that software is stored on a computer-readable medium, which is statutory subject matter (MPEP 2106.01, Section I, paragraph 2). No new matter has been added since it is well known that software is stored in a computer-readable medium and does not exist without some medium. Paragraph [0014] has also been amended to remove transmission medium from the definition of computer-readable medium. It is not intended that computer readable medium be interpreted as a signal per se.

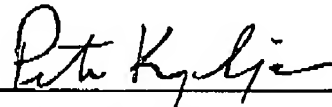
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Claims 1-9 should now recite statutory subject matter even when the recited logics are interpreted as software since the software would be stored in a computer-readable medium. Applicant notes that this is only one embodiment of independent claim 1 and the claim covers other embodiments of hardware, firmware, and/or stored software combinations.

Conclusion

For the reasons set forth above, claims 1-30 are now in condition for allowance. An early allowance of the claims is earnestly solicited.

Respectfully submitted,



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